IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 8819 of 2007(Y)

PETITIONER:

K.P.LAKSHMANA IYER, TRUSTEE,
KASTURBA ENGLISH MEDIUM SCHOOL TRUST,
MANJUMMAL, ELOOR.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS:

THE ELOOR GRAMA PANCHAYATH, REP. BY THE
SECRETARY, SPECIAL GRADE,
ELOOR GRAMA PANCHAYATH, UDYOGAMANDAL.

BY ADV. SRI.V.SANKARA RAJA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 8819 of 2007

Dated this 19th day of March, 2007

JUDGMENT

Ext.P7 is a provisional order issued under Section 406(1) of the Municipalities Act and the objectionable work as per Ext.P7 is construction of the 3rd floor of the building belonging to the Kasturba English Medium School.

2. Sri.Dinesh R .Shenoy, the learned counsel for the petitioner submits that though in Ext.P7, the 3rd floor constructions are specifically referred to as the objectionable constructions, the petitioner is being prevented even from making constructions on the remaining portion of the ground, first and second floors on the strength of the permits already issued.

3. Counsel for the Panchayat submits that it is clear from Ext.P7 itself that what is objected to by the Panchayat is only construction of the 3rd floor. Under these circumstances, this writ petition will stand disposed of with the following directions:

The Panchayat will consider Ext.P8 objection submitted by the petitioner to Ext.P7 provisional order and take a decision in the matter at the Panchayat's earliest and after hearing the petitioner also. But however, in the meanwhile it is clarified that notwithstanding Ext.P7, the petitioner will be entitled to continue with the construction on the ground, first and second floor which are already permitted as per Exts.P1 to P5 building permits.

PIUS C.KURIAKOSE
Judge

dpk